

CYNGOR SIR POWYS COUNTY COUNCIL.**Standards Community Sub- Committee
28th April 2010**

REPORT BY: Strategic Director – Law and Governance
SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. Members' Code of Conduct

A1.1 Refresher training later in the year for Town/Community Councillors on the Members' Code of Conduct will be considered following the publication of the Ombudsman's Guidance which is due shortly.

B. Referral of Councillors to Public Services Ombudsman**B1. Town and Community Councillor Referrals**

B1.1 Since the last meeting one new referral to the Ombudsman has been notified.

B2.1 The referral reported to the Committee on the last occasion (when the Ombudsman was considering whether to investigate or not) has been determined. The substance of the complaint made against three Town/Community Councillors (together with a County Councillor referred to in the main Standards Committee report), is that the councillors objected to the complainant's planning application, and that the grounds for objection were invalid. Following refusal of the planning application by the County Council's Planning Committee, the members refused to allow the complainant to make representations to the Council explaining the new proposals. The Council's clerk had advised the Council that there was no merit to considering representations in advance of the receipt of the new application on which the council would make a formal comment.

B2.2 The Ombudsman has decided not to investigate as he could not see anything improper with the approach taken by the Town/Community Council.

B3.1 In the new referral, the substance of the complaint is that a Town/Community Councillor did not declare a personal and prejudicial interest in a matter which related to his place of employment. The Ombudsman has decided to investigate this referral.

C. Other Standards Issues

C.1 Supportive Action for Town and Community Councils

C1.1 Officers have been approached informally by the clerk of a Town/Community Council regarding the possibility of a Member of the Standards Committee attending a meeting of the Council in view of recent issues between members of the Council in which County Council officers have been involved. The clerk has been informed that any request for attendance by a member of the Standards Committee should come from the Chair of the Town/Community Council. An update on this matter will be provided at the meeting.

D. Dispensations

D1. Applications - Town and Community Councillors

D1.1 Two applications from Community Councillors have been received since the last meeting. A copy of the application and comments and observations thereon are attached at **Appendices 1 and 2**.

E. Meeting Dates.

E1. To note dates of future meetings as follows:

2010 meeting dates.

5th July 2010
29th September 2010.
1st December 2010.

All meetings to commence at 10.00 am with the option of training available afterwards.

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clarence Meredith, Strategic Director – Law and Governance.</i>	<i>01597 826395</i>	<i>01597 826220</i>	<i>Clarence@powys.gov.uk</i>

X:\wlegal\Clarence\Standards\2010-04-28 STANDARDS COMMUNITY SUB-COMMITTEE REPORT

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor _____ Mr Andrew Fryer of LLANGATTOCK COMMUNITY COUNCIL

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

SECTION 1

How you wish to participate – please tick all relevant categories below:

Attend a meeting	YES
Speak at a meeting	YES
Vote at a meeting	
Seek to influence a decision on a matter	Yes
Make written representations	Yes
Make oral representations	YES
Exercise Board functions (County Councillor only)	

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

Issues In relation to Llangattock Green Valleys (LGV) Community Interest Company (I am a Director) and the Llangattock Woodlands Group (LWG) (I am treasurer) . These Organisations not for profit organisations, and I draw no financial remuneration from my involvement.

LGV is delivers a wide range of community projects and is a conduit for project funds in relation to a wide variety renewable energy technologies, allotments, community woodlands and litter. Current projects include managing the upgrade of 40 houses in the village following an energy assessment, 5 community Micro-hydroelectric schemes and a PV system to pump water for the allotment society.

LWG works with landowners both public and private to plan the management of and carry out the plans on woodlands in the area using mostly volunteer labour.

Both Organisations generate items for the Community Council to consider as a statutory consultee (Planning and Woodland Grant applications) and as potential partner (either as the landowner, Grant giver or formal supporter).

There are no community council representatives on these organisations and Mrs Charlton and myself provide an informal information link. However up to now we have been declaring an interest and leaving the room when such matters are discussed. In the near future the volume and complexity of these issues reaching the council are such that there are likely to be issues of clarity and understanding for the council in making their deliberations. By leaving the room the council will be left to make the decisions without anyone with detailed knowledge on these matters and without the organisations without the ability to make representations. It is thus proposed that we have a certificate of exemption to speak but not vote on these issues to ensure that the council is best placed to make a balanced and informed decision.

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and
- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

- A. Funding
- B. Planning – applications, building improvements/changes
- C. Land
- D. General Matters

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

No

SECTION 3

Detail the **PREJUDICIAL** interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.

I am a Director of LGV and treasurer of LWG. These roles are voluntary and I gain no benefit from them.

There may be projects in the future where I may also benefit as an Individual householder (for example a Hydro proposal on my land) and of course on such issues my interest would be greater than the normal community member of Llangattock and would declare and not take any part in the discussion, vote and leave the meeting.

Should this situation change, which it might, in the near future I will contact you directly and notify the Community Council Clerk of the circumstances.

SECTION 4

Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(a) No fewer than half of the Members of the relevant Authority or of a committee of the Authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	Speak and vote Speak only	-
County Councillors only	(b) No fewer than half of the Members of a leader and cabinet executive of the relevant Authority by which the business is to be considered has an interest which relates to that business and either Paragraph (d) or (e) also applies;	Speak and Vote Speak only	-
County Councillors only	(c) In the case of a County or County Borough Council, the inability of the Member to participate would upset the political balance of the relevant Authority or of the committee of the Authority by which the business is to be considered to such an extent that the outcome would be likely to be affected.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(d) The nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business;	Speak only	√
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak only	√
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak only	√
County Councillors only	(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and the Member's interest is not a pecuniary interest.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(h) The business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or	Speak only	√
County Councillors and Town and Community Councillors	(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant Authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.	Speak and vote Speak only	-

SECTION 5

Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek

Little is documented about small/micro hydro schemes and other equally challenging renewable energy schemes in communities which provide energy security in rural areas.

I have been involved in a complex development project over the last 18 months which has highlighted the immense value in community hydro schemes that will provide a localised and constant income. There are also other technological innovations which require in-depth knowledge for Anaerobic Digestion and Bio-mass activity and developing local woodlands as renewable energy resources.

These are very new and innovative technologies (apart from woodland management activity) with few reference points for councillors to make in relation to informed decision making. As a founder member and volunteer for these and other related products I feel I could bring an element of understanding and discussion to table which would be lost without informative interaction between councillors.

We regularly have members of the public at our meetings and confidence in our decision making would increase if they could be assured that informed debate was taking place. I feel that I can add to an improved outcome on behalf of the public by taking part in the debate and but leaving for the vote.

I do not want to influence the decision just the debate.

Applicant's home address:	Wern Watkin Hillside Llangattock Crickhowell NP8 1LG
Applicant's telephone number:	01873 812307 0778 686 4885
Applicant's fax number:	
Applicant's E Mail address:	andrew@wernwatkin.co.uk

SIGNED: _____

DATED: _____

This form fully completed, signed and dated should be returned to:

Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.

Tel No: 01597 826980

Fax No: 01597 826220

E-Mail: Elizabeth.patterson@powys.gov.uk

From whom further information and advice may be obtained.

Application by	Councillor A. Fryer
Council	Llangattock Community Council
Involvement With	(i) Llangattock Green Valleys Community Interest Company (ii) Llangattock Woodlands Group
Business To Be Considered	Funding, Planning, Land and General Matters
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Councillor Fryer is a director of the Llangattock Green Valleys Community Interest Company. Additionally he is the Treasurer of the Llangattock Woodlands Group. Both these roles are voluntary and he does not stand to benefit from them. He has not been appointed by the Community Council to either of these bodies.</p> <p>The Llangattock Green Valleys Community Interest Company is a company limited by guarantee and has been registered at Companies House as a Community Interest Company.</p> <p>Therefore Paragraph 10(2)(a)(viii) will not apply.</p> <p>Paragraph 10(2)(a)(ix) would appear to be relevant:</p> <p>(bb) company, industrial and provident society, charity, or body directed to charitable purposes in which (in all cases) the Councillor holds a position of general control or management or is a member; (i) and (ii)</p> <p>Councillor Fryer does indicate in his application that he may benefit as an individual householder e.g. a hydro proposal on his land, and therefore:</p> <p>Paragraph 10(c)(i) would in addition appear to be relevant:</p> <p>“You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority’s area”.(i)</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	<p>In relation to Councillor Fryer the exemption in Paragraph 12(2)(c) – your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500 - would apply in relation to the personal interest existing under Paragraph 10(2)(a)(ix). (i), and (ii)</p> <p>However for grant funding above £500 no exemption would apply and therefore in relation to that situation further consideration as detailed in step 3 below needs to take place.</p>

	<p>In relation to non-financial matters the Sub-Committee similarly needs to consider the application as detailed in step 3 below.</p>
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial.</u></p> <p>In applying the Paragraph 12(1) test in relation to grant funding it may be helpful for the Sub-Committee to approach the issue in this way i.e. to ask itself :</p> <p>“Is it reasonable to suppose that public perception would regard the Councillor’s personal interest, in the Llangattock Green Valleys Community Interest Company and the Llangattock Woodlands Group as so significant that whenever a proposal to grant aid these organisations in excess of £500 was discussed at the Community Council the potential conflict of interest would be so significant as to be likely to prejudice his judgement of the public interest in performing his role as a Community Councillor?</p> <p>It is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative given the amount of money involved i.e. that a prejudicial interest would exist in this situation.</p> <p><u>Non-Financial.</u></p> <p>In applying the Paragraph 12(1) test in relation to non-financial type business involving these organisations it is suggested that the Sub-Committee approach the issue by asking itself a similar question to that posed above.</p> <p>Again it is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion involving the organisations is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is therefore required to consider a dispensation for grant funding above the maximum of £500 for the Llangattock Green Valleys Community Interest Company and the Llangattock Woodlands Group only.</p> <p>The Sub-Committee is also required to consider a dispensation in relation to non-financial matters concerning these organisations other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>In relation to Councillors sitting on voluntary / charitable type local bodies other than by way of appointment by their own Council ground (h) of the 2001 Regulations is normally the ground which would be considered - the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member</p>

	<p>otherwise than as a representative of his/her Council.</p> <p>However this ground only enables the grant of dispensation to speak and not vote.</p> <p>In relation to Councillor's membership of these two organisations other than by way of appointment by their own Council ground (d) of the 2001 Regulations could be considered – the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business, particularly as some of the land used in projects by these organisations may be in the ownership of the Community Council.</p>
<p>STEP 5 Determine the application:-</p> <ul style="list-style-type: none"> (i) Refuse (ii) Approve:- <ul style="list-style-type: none"> (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations 	<p>The applicant has requested a dispensation to attend meetings of the Community Council, to speak, and have the ability to make written and oral representations as well as to influence a debate on a matter relating to these two organisations.</p> <p>Other than the exemption to speak and vote on grant funding for the Llangattock Green Valleys Community Interest Company and the Llangattock Woodlands Group of a maximum of £500, and other non-financial business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious, the Sub-Committee is requested to consider this application on the basis of grounds (h) of the 2001 Regulations which would result in the Councillor being eligible for dispensations to speak but not vote in respect of these two organisations.</p> <p>There is no exemption in relation to funding, thus the issue of granting a dispensation above the £500 maximum does not apply. However in relation to non-financial matters the Sub-Committee is requested to consider a dispensation under ground (d) which would result in the Councillor being eligible to speak and / or vote on such non-financial matters which were not otherwise categorised as trivial, insignificant or uncontentious</p> <p>In the event of the Sub-Committee granting a dispensation it would also need to consider whether that dispensation should be limited to exclude the regulatory type matters set out in Paragraph 12(3) of the Code.</p> <p>The Sub-Committee is reminded that at a previous meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor _____ Mrs J L Charlton of LLANGATTOCK COMMUNITY COUNCIL

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

SECTION 1

How you wish to participate – please tick all relevant categories below:

Attend a meeting	YES
Speak at a meeting	YES
Vote at a meeting	
Seek to influence a decision on a matter	YES
Make written representations	YES
Make oral representations	YES
Exercise Board functions (County Councillor only)	

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

Issues in relation to Llangattock Green Valleys Community Interest Company and The Green Valleys Community Interest Company of which I am a Director. These companies are both Ltd by Guarantee and not for profit organisations registered at Companies House as Community Interest Companies. They deliver community projects in relation to renewable energy, allotments, community woodlands, litter picking and a bio diesel club as well as building community electricity hydro generators and the possibility of Anerobic and Biomass plant in the community. There are potentially 40 detailed and complex planning applications which require specialist knowledge of the issues in relation to renewable technologies and potential planning applications. Funding for the new Community Interest Company is potentially forthcoming from Llangattock Green Valleys Community Interest Company for the innovative Community Woodland Group, Litter Pickers and Allotments.

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and
- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

- A. Funding
 B. Planning – applications, building improvements/changes
 C. Land
 D. General Matters

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

No

SECTION 3

Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.

I am a Director of both organisations but on a voluntary basis and no one director in either of these businesses stand to gain from the above or has the potential to gain from any of the above issues in the foreseeable future.

Should this situation change, which it might, in the near future I will contact you directly and notify the Community Council Clerk of the circumstances.

SECTION 4

Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(a) No fewer than half of the Members of the relevant Authority or of a committee of the Authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	Speak and vote Speak only	-
County Councillors only	(b) No fewer than half of the Members of a leader and cabinet executive of the relevant Authority by which the business is to be considered has an interest which relates to that business and either Paragraph (d) or (e) also applies;	Speak and Vote Speak only	-
County Councillors only	(c) In the case of a County or County Borough Council, the inability of the Member to participate would upset the political balance of the relevant Authority or of the committee of the Authority by which the business is to be considered to such an extent that the outcome would be likely to be affected.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(d) The nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business;	Speak only	√
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and vote Speak only	-
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak only	√
County Councillors only	(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and the Member's interest is not a pecuniary interest.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(h) The business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or	Speak and vote Speak only	-
County Councillors and Town and Community Councillors	(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant Authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.	Speak and vote Speak only	-

SECTION 5

Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek

Little is documented about small/micro hydro schemes and other equally challenging renewable energy schemes in communities which provide energy security in rural areas. I have been involved in a complex development project over the last 18 months which has highlighted the immense value in community hydro schemes that will provide a localised and constant income. There are also other technological innovations which require in-depth knowledge for Anerobic Digestion and Bio-mass activity and developing local woodlands as renewable energy resources.

These are very new and innovative technologies (apart from woodland management activity) with few reference points for councillors to make in relation to informed decision making. As a founder member and volunteer for these and other related products I feel I could bring an element of understanding and discussion to table which would be lost without informative interaction between councillors.

We regularly have members of the public at our meetings and confidence in our decision making would increase if they could be assured that informed debate was taking place. I feel that I can add to an improved outcome on behalf of the public by taking part in the debate and but leaving for the vote.

I do not want to influence the decision just the debate.

Applicant's home address:	Woodland Villa Llangattock Crickhowell Powys NP8 1LD
Applicant's telephone number:	01873 811703
Applicant's fax number:	
Applicant's E Mail address:	jackiecharlton@msn.com

SIGNED: _____

DATED: _____

This form fully completed, signed and dated should be returned to:

Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.

Tel No: 01597 826980

Fax No: 01597 826220

E-Mail: Elizabeth.patterson@powys.gov.uk

From whom further information and advice may be obtained.

Application by	Councillor J.L. Charlton
Council	Llangattock Community Council
Involvement With	(i) Llangattock Green Valleys Community Interest Company (ii) The Green Valleys Community Interest Company
Business To Be Considered	Funding, Planning, Land and General Matters
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Councillor Charlton is a director of both the Llangattock Green Valleys Community Interest Company and the Green Valleys Community Interest Company. Both these roles are voluntary and she does not stand to benefit from them. She has not been appointed by the Community Council to either of these bodies.</p> <p>The Llangattock Green Valleys Community Interest Company and the Green Valleys Community Interest company are companies limited by guarantee and have been registered at Companies House as Community Interest Companies.</p> <p>Therefore Paragraph 10(2)(a)(viii) will not apply.</p> <p>Paragraph 10(2)(a)(ix) would appear to be relevant:</p> <p>(bb) company, industrial and provident society, charity, or body directed to charitable purposes in which (in all cases) the Councillor holds a position of general control or management or is a member; (i) and (ii)</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	<p>In relation to Councillor Charlton the exemption in Paragraph 12(2)(c) – your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500 - would apply in relation to the personal interest existing under Paragraph 10(2)(a)(ix). (i), and (ii)</p> <p>However for grant funding above £500 no exemption would apply and therefore in relation to that situation further consideration as detailed in step 3 below needs to take place.</p> <p>In relation to non-financial matters the Sub-Committee similarly needs to consider the application as detailed in step 3 below.</p>
STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.	<p><u>Financial.</u></p> <p>In applying the Paragraph 12(1) test in relation to grant funding it may be helpful for the Sub-Committee to approach the issue in this way i.e. to ask itself :</p> <p>“Is it reasonable to suppose that public perception would regard the Councillor’s personal interest, in the Llangattock Green Valleys Community Interest Company and the Green Valleys Community Interest Company as so significant that whenever a proposal to grant aid these organisations in excess of £500 was discussed at the Community Council the potential conflict of interest would be so significant as to be likely to prejudice her</p>

	<p>judgement of the public interest in performing her role as a Community Councillor?</p> <p>It is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative given the amount of money involved i.e. that a prejudicial interest would exist in this situation.</p> <p><u>Non-Financial.</u></p> <p>In applying the Paragraph 12(1) test in relation to non-financial type business involving these organisations it is suggested that the Sub-Committee approach the issue by asking itself a similar question to that posed above.</p> <p>Again it is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion involving the organisations is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is therefore required to consider a dispensation for grant funding above the maximum of £500 for the Llangattock Green Valleys Community Interest Company and the Green Valleys Community Interest Company only.</p> <p>The Sub-Committee is also required to consider a dispensation in relation to non-financial matters concerning these organisations other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>In relation to Councillors sitting on voluntary / charitable type local bodies other than by way of appointment by their own Council ground (h) of the 2001 Regulations is normally the ground which would be considered - the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of his/her Council.</p> <p>However this ground only enables the grant of dispensation to speak and not vote.</p> <p>In relation to Councillor's membership of these two organisations other than by way of appointment by their own Council ground (d) of the 2001 Regulations could be considered – the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business, particularly as some of the land used in projects by these organisations may be in the ownership of the Community Council.</p>

<p>STEP 5 Determine the application:-</p> <ul style="list-style-type: none"> (i) Refuse (ii) Approve:- <ul style="list-style-type: none"> (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations 	<p>The applicant has requested a dispensation to attend meetings of the Community Council, to speak, and have the ability to make written and oral representations as well as to influence a debate on a matter relating to these two organisations.</p> <p>Other than the exemption to speak and vote on grant funding for the Llangattock Green Valleys Community Interest Company and the Green Valleys Community Interest Company of a maximum of £500, and other non-financial business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious, the Sub-Committee is requested to consider this application on the basis of grounds (h) of the 2001 Regulations which would result in the Councillor being eligible for dispensations to speak but not vote in respect of these two organisations.</p> <p>There is no exemption in relation to funding, thus the issue of granting a dispensation above the £500 maximum does not apply. However in relation to non-financial matters the Sub-Committee is requested to consider a dispensation under ground (d) which would result in the Councillor being eligible to speak and / or vote on such non-financial matters which were not otherwise categorised as trivial, insignificant or uncontentious</p> <p>In the event of the Sub-Committee granting a dispensation it would also need to consider whether that dispensation should be limited to exclude the regulatory type matters set out in Paragraph 12(3) of the Code.</p> <p>The Sub-Committee is reminded that at a previous meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.</p>
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